

Remarks

The Examiner has rejected claims 1 - 8 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserts that it is not clear from claim 1 how many of the fasteners will shear and how the knife is permitted to pivot. Claim 1 has now been amended to state that the fasteners are adapted to shear when a preselected force is applied to them thereby allowing the knife to move out of the way of tough debris.

The Examiner has also rejected claims 1 and 5 under 35 USC § 102(b) as being anticipated by US Patent No. 3,976,337 to Vaughn. However, it is respectfully submitted that claim 1 as amended is not anticipated by Vaughn. More particularly, Vaughn does not disclose the orientation of the center line of the bracket and knife at a 45 degree angle to the ground and wherein the center line passes in close proximity to a center axis of the drive wheel of the vehicle. This aspect of the present invention ensures that the force applied to the knife due to tough debris is transferred to the bolts and that the knife will pivot around one of the bolts when the other bolts are sheared. Without this angular relationship debris can force the knife and/or bracket to twist and interfere with the endless track and/or wheel rim thereby causing damage. The choice of this particular angle is not simply a matter of optimizing the position relative to the track, it is desired to allow the knife to yield under stress.

The Examiner has further rejected claims 3, 4, and 8 under 35 USC § 103(a) as being unpatentable over Vaughn, claim 2 under 35 USC § 103(a) as being unpatentable over Vaughn in view of US Patent No. 6,045,201 to Chappell et al., and, claims 6 and 7 under 35 USC § 103(a) as being unpatentable over Vaughn in view of US Patent 5,725,292 to Keedy et al. It is respectfully submitted that in view of the current amendment to the claims and the reasons stated above with respect to the § 102 rejection claims 2, 4 and 6-8 are also in condition for allowance.

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In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Should the Examiner believe that a telephonic conference would be useful in furthering the present application toward allowance, the undersigned attorney would welcome such a call.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,



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